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May 21, 2024

By ECF

Hon. Jessica G. L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Bryan “Marty” Waugh, S3 23 Cr. 370 (JGLC)

Dear Judge Clarke:

As the Court is aware, we represent defendant Bryan “Marty” Waugh in the above-captioned case. We respectfully submit this letter on behalf of the parties in response to Your Honor’s order dated May 14, 2024, which directed the parties to propose a briefing schedule to consider the parties’ dispute in connection with sentencing regarding whether Mr. Waugh engaged in insider trading. The parties jointly propose the following briefing schedule:

June 14, 2024: Government’s Opening Brief
July 12, 2024: Defendant’s Response
July 19, 2024: Government’s Reply

At this time, the parties do not anticipate that the dispute will require an evidentiary hearing pursuant to *United States v. Fatico*, 579 F.2d 707 (2d Cir. 1978).

In addition, Mr. Waugh respectfully requests that if the Court’s schedule permits, his sentencing date be moved from October 24, 2024, to a date during the week of September 30, 2024. Should the Court grant this request, Mr. Waugh’s sentencing memorandum would be due three weeks before sentencing (*i.e.*, the week of September 9, 2024), the Government’s sentencing memorandum would be due two weeks before sentencing (*i.e.*, the week of September 16, 2024), and any reply by Mr. Waugh would be due one week before sentencing (*i.e.*, the week of September 23, 2024). We further request that Your Honor order the Probation Office to begin the process of preparing the presentence investigation report (“PSR”) at this time. The Government does not object to these requests and proposed deadlines.

Respectfully submitted,
KRIEGER LEWIN LLP

By: /s/ Daniel S. Noble
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cc (by ECF): All Counsel of Record